

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Deborah J. Fry,

Civil 07-4763 ADM/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

Michael J. Astrue, Commissioner
of Social Security,

Defendant.

1. The complaint in this case was filed on December 5, 2007.
2. On January 11, 2008, Plaintiff filed a letter, addressed to the United States Attorney, to which she attached another letter her former lawyer had written to the Appeals Council. In her letter she suggests that the letter itself together with the letter of her former lawyer is her motion for summary judgment.
3. On February 11, 2008, the Government filed an answer and filed the Administrative Record.
4. On April 22, 2008, the Assistant United States Attorney wrote a letter to Plaintiff explaining the requirement that Plaintiff file a motion for summary judgment and memorandum in support of the motion. The Government's letter expressly stated that Plaintiff's January 11, 2008, filing did not satisfy the requirement of the local rule that such a motion for summary judgment and a memorandum of law in support be filed within 60 days of the date of the answer.
5. On April 23, 2008, the Court too explained to Plaintiff the requirement of the local rule, when it issued the order found at Docket Entry No. 10.

6. To date, Plaintiff has not filed the motion and memorandum required by the local rules.

RECOMMENDATION

Based upon the foregoing, IT IS HEREBY RECOMMENDED that this case be dismissed for lack of prosecution.

DATED: June 30, 2008.

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **July 18, 2008**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.